

1 AN ACT relating to elections and declaring an emergency.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 116.025 is amended to read as follows:

- 4 (1) Every person who is a *citizen of the United States, a* resident of this state, and *a*
5 *resident of* the precinct in which he or she offers to vote on or before the day
6 preceding the closing of the registration books for any primary, general, or special
7 election, who possesses on the day of any election the qualifications set forth in
8 Section 145 of the Constitution, exclusive of the durational residency requirements,
9 who is not disqualified under that section or under any other statute, and who is
10 registered as provided in this chapter, may vote for all officers to be elected by the
11 people and on all public questions submitted for determination at that election, in
12 the precinct in which he or she is qualified to vote. Any person who shall have been
13 convicted of any election law offense which is a felony shall not be permitted to
14 vote until his or her civil rights have been restored by executive pardon.
- 15 (2) Any person charged with or indicted for a crime, whether or not in custody for
16 same, who has not yet been convicted of the offense and who is not otherwise
17 ineligible to vote, may vote for all offices to be elected by the people and on all
18 public questions submitted for determination at that election, in the precinct in
19 which he or she is qualified to vote.
- 20 (3) A registered voter who changes his or her place of residence from one (1) precinct
21 to another within the same county while the registration books are closed shall be
22 permitted to update the voting records and to vote in the present election at the
23 appropriate precinct for the current address as set forth in KRS 116.085(3).
- 24 (4) Notwithstanding any provision of law to the contrary, any registered voter who
25 changes his or her place of residence from one (1) precinct to another within the
26 same county prior to the closing of the registration books and who fails to transfer
27 his or her registration with the county clerk prior to the date the registration books

1 are closed shall be permitted to vote in the present election at the appropriate
2 precinct for the current address as set forth in KRS 116.085(2).

3 (5) Any registered voter who changes his or her place of residence to a different county
4 while the registration books are closed shall be permitted to vote at the appropriate
5 precinct for his or her former residence in the present election and shall thereafter
6 transfer his or her voter registration.

7 (6) Any registered voter who changes his or her place of residence to a different county
8 and fails to register to vote in the county of current residence prior to the date the
9 registration books are closed shall not be eligible to vote in the present election in
10 the county of current residence or the county of former residence.

11 (7) Any registered voter who changes his or her place of registration to a different state
12 while the registration books are closed in the new state of residence before a
13 presidential election shall be permitted to cast an absentee ballot for President and
14 Vice President only, notwithstanding subsection (1) of this section, by mail or at the
15 county clerk's office of the former residence or other place designated by the county
16 board of elections and approved by the State Board of Elections.

17 ➔Section 2. KRS 116.065 is amended to read as follows:

18 Each application for registration, change of affiliation, transfer of registration, federal
19 provisional ballot,~~[-or]~~ absentee ballot, or federal provisional absentee ballot, as absentee
20 ballots and federal provisional absentee ballots are provided for by Section 3 of this Act,
21 KRS 117.077, KRS 117.085, and KRS 117.229 shall be verified by a written declaration
22 by the applicant that it is made under the penalties of perjury.

23 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO
24 READ AS FOLLOWS:

25 (1) Any voter who is qualified to vote on election day in the county of his or her
26 residence may choose to cast a no-excuse in-person absentee ballot on the
27 Thursday, Friday, or Saturday immediately preceding the day of an election. The

1 available hours from which a voter may cast his or her vote during these three (3)
2 days shall be no less than eight (8) hours between 6 a.m. and 8 p.m. prevailing
3 time, as determined by the county board of elections of each county.

4 (2) Any voter who is qualified to vote on election day in the county of his or her
5 residence may make application to cast an excused in-person absentee ballot
6 during normal business hours during the six (6) business days immediately
7 preceding the Thursday of no-excuse in-person absentee voting under subsection
8 (1) of this section. The voter who makes application under this subsection shall
9 meet one (1) of the following requirements in order to cast his or her excused in-
10 person absentee ballot:

11 (a) Is a resident of Kentucky who is a covered voter as defined in KRS
12 117A.010, who will be absent from the county of his or her residence on the
13 day of an election and during the days of no-excuse in-person absentee
14 voting;

15 (b) Has surgery, or whose spouse has surgery, scheduled that will require
16 hospitalization on the day of an election and during the days of no-excuse
17 in-person absentee voting;

18 (c) Temporarily resides outside the state, but is still eligible to vote in this state
19 and will be absent from the county of his or her residence on the day of an
20 election and during the days of no-excuse in-person absentee voting;

21 (d) Is a resident of Kentucky who is a uniformed-service voter as defined in
22 KRS 117A.010 confined to a military base on election day and during the
23 days of no-excuse in-person absentee voting;

24 (e) Is in her last trimester of pregnancy and the voter completes the form that is
25 prescribed by the State Board of Elections, which contains a sworn
26 statement that the voter is in her last trimester of pregnancy at the time she
27 wishes to vote;

- 1 (f) Has not been declared mentally disabled by a court of competent
2 jurisdiction and, due to age, disability, or illness, is not able to appear at the
3 polls on election day and during the days of no-excuse in-person absentee
4 voting;
- 5 (g) Is a student who temporarily resides outside the county of his or her
6 residence and will be absent from the county of his or her residence on the
7 day of an election and during the days of no-excuse in-person absentee
8 voting;
- 9 (h) Any person employed in an occupation that is scheduled to work during all
10 days and all hours, which shall include commute time, the polls are open on
11 election day and during the days of no-excuse in-person absentee voting; or
- 12 (i) Any election officer tasked with election administration for the current
13 election cycle.
- 14 (3) Any voter who votes an in-person absentee or federal provisional in-person
15 absentee ballot shall provide proof of identification as defined in Section 22 of
16 this Act or meet the requirements of KRS 117.228 or 117.229.
- 17 (4) In-person absentee voting shall be conducted in a location within the county
18 clerk's office where ballots shall be cast secretly. In-person absentee voting may
19 occur in another location within the county if the location is designated by the
20 county board of elections and approved by the State Board of Elections. The
21 county clerk may provide for voting by the voting equipment in general use in the
22 county or any other voting equipment approved by the State Board of Elections
23 for use in Kentucky. Public notice of the locations shall be given pursuant to KRS
24 Chapter 424, and similar notice by mail shall be given to the county chairs of the
25 two (2) political parties whose candidates polled the largest number of votes in
26 the county at the last regular election.
- 27 (5) Any voter qualifying to vote who receives assistance to vote in-person absentee

- 1 shall complete the voter assistance form required by KRS 117.255.
- 2 (6) Any voter qualifying to vote whose qualifications are challenged on grounds
3 other than inability to provide proof of identification by any clerk or deputy shall
4 complete an oath of voter affidavit.
- 5 (7) Each voter casting his or her vote in-person absentee shall sign an in-person
6 absentee ballot signature roster.
- 7 (8) The members of the county board of elections, or their designees who provide
8 equal representation of both political parties, may serve as precinct election
9 officers, without compensation, for all in-person absentee voting conducted. If
10 the members of the county board of elections or their designees serve as precinct
11 election officers for in-person absentee voting, they shall perform the same duties
12 and exercise the same authority as precinct election officers who serve on the day
13 of an election. If the members of the county board of elections or their designees
14 do not serve as precinct election officers for in-person absentee voting, the county
15 clerk or deputy county clerks shall supervise the in-person absentee voting.
- 16 (9) Any individual qualified to appoint challengers for the day of an election may
17 also appoint challengers to observe all in-person absentee voting, and those
18 challengers may exercise the same privileges as challengers appointed for
19 observing voting on the day of an election at a regular polling place.
- 20 (10) During the days of in-person absentee voting, all voting equipment on which in-
21 person absentee ballots are cast shall remain locked and the keys shall be
22 retained by at least two (2) members of the central ballot counting board who are
23 not of the same political affiliation or by two (2) members of the county board of
24 elections who are not of the same political affiliation, and the voting equipment
25 shall remain locked with a tamper-resistant seal until the ballots are counted.
- 26 (11) No person shall transmit or publicize any tallies or counts of in-person absentee
27 ballots, or any partial results, to any person except those persons, election

1 officials, or entities authorized by law to receive it, until 6 p.m. prevailing time on
2 the day of a primary or an election.

3 (12) (a) Before and after each day of in-person absentee voting, on all voting
4 equipment to be used, the tamper-resistant seal shall be checked to ensure it
5 is unaltered and the number on the public counter shall be read and
6 recorded. The status of the tamper-resistant seal shall be indicated and the
7 number on the public counter of each voting equipment shall be recorded
8 by the county clerk or his or her designated election official, member of the
9 county board of elections, or member of the central ballot counting board.
10 The status of the tamper-resistant seal and the number recorded from the
11 public counter shall be witnessed by an election official who is of a different
12 political affiliation than the person recording.

13 (b) The status of the tamper-resistant seal and the number on the public
14 counter shall be recorded on a form prescribed and furnished by the State
15 Board of Elections pursuant to administrative regulations promulgated
16 under KRS Chapter 13A.

17 (c) The witness who is present shall verify, through validity of his or her
18 signature on the form provided, the accuracy of the number recorded from
19 the public counter, the number recorded on the prescribed form, and the
20 status of the tamper-resistant seal.

21 (d) Any irregularities observed by the election official who is recording and the
22 election official who is a witness shall be immediately reported to the county
23 attorney or the Office of Attorney General.

24 (13) The State Board of Elections shall promulgate administrative regulations under
25 KRS Chapter 13A to provide for the casting of ballots in accordance with this
26 section.

27 ➔Section 4. KRS 117.025 is amended to read as follows:

- 1 (1) The State Board of Elections shall appoint an executive director, who shall be the
2 chief administrative officer for the board. The board shall also appoint an assistant
3 director, who shall be of a different political party than the director. The salaries of
4 the director and the assistant director shall be set by the board.
- 5 (2) The State Board of Elections shall employ, on a bipartisan basis, a staff sufficient to
6 carry out the duties assigned to the board, including legal counsel and a training
7 officer to provide assistance to the county clerks and the county boards of elections
8 in their training of precinct election officers.
- 9 (3) The board shall:
- 10 (a) Maintain a complete roster of all qualified registered voters within the state by
11 county and precinct, and institute appropriate safeguards to ensure that there is
12 no inappropriate use of the voter registration roster. State and local election
13 officials, including the Secretary of State, employees of the Secretary, and
14 members of the State Board of Elections and their staff, shall only use the
15 voter registration roster for purposes relevant to their prescribed duties of
16 election administration. The Secretary of State, and two (2) employees of the
17 Secretary, who may be designated by the Secretary with explicit written
18 authority and notification to the board, shall have electronic access to the
19 information contained within the voter registration roster, but shall not
20 correct, alter, or delete information from the voter registration roster, unless
21 having obtained prior approval by a majority of the voting members of the
22 board;
- 23 (b) For each primary, furnish each county clerk with a master list of all registered
24 voters in the county, together with three (3) signature rosters of all registered
25 voters in each precinct of the county according to party affiliation, and two (2)
26 lists of all registered voters in each precinct of the county at least six (6)~~five~~
27 ~~(5)~~ days prior to each primary;

- 1 (c) For each regular election, furnish each county clerk with a master list of all
2 registered voters in the county, together with one (1) signature roster of all
3 registered voters in each precinct of the county on which each voter's party
4 affiliation is identified, and two (2) lists of all registered voters in each
5 precinct of the county at least six (6)~~five (5)~~ days prior to each regular
6 election;
- 7 (d) Maintain all information furnished to the board relating to the inclusion or
8 deletion of names from the rosters for four (4) years;
- 9 (e) Furnish, at a reasonable price, the state central executive committee of each
10 political party qualifying under KRS 118.015 monthly data of all additions,
11 deletions and changes of registration in each precinct of each county and the
12 state central executive committee shall furnish a county listing to each of the
13 county executive committees of each political party;
- 14 (f) Purchase, lease or contract for the use of equipment necessary to properly
15 carry out its duties under the provisions of this chapter and KRS Chapters 116
16 and 118;
- 17 (g) Secure information from any source which may assist the board in carrying
18 out the purposes of this section;
- 19 (h) Furnish at a reasonable price any and all precinct lists to duly qualified
20 candidates, political party committees or officials thereof, or any committee
21 that advocates or opposes an amendment or public question. The State Board
22 of Elections may also furnish the precinct lists to other persons at the board's
23 discretion, at a reasonable price to be determined by the board. The board
24 shall not furnish precinct lists to persons who intend to use the lists for
25 commercial use; and
- 26 (i) Be responsible for oversight of board personnel, including hiring,
27 investigations, disciplinary actions, promotions, and other like actions subject

1 to KRS Chapter 18A.

2 ➔Section 5. KRS 117.066 is amended to read as follows:

- 3 (1) The county board of elections may, pursuant to KRS 117.055 and subsection (3) of
4 this section, designate a single voting location for more than one (1) precinct if the
5 voting location is equipped with voting equipment capable of providing or
6 accepting separate ballots without endangering the integrity of the ballots or without
7 violating any other election law.
- 8 (2) If a single voting location for more than one (1) precinct is approved under
9 subsection (3) of this section, the primary or election shall be conducted as follows:
- 10 (a) One (1) voting equipment may be used for more than one (1) precinct if
11 ballots are tabulated for each separate precinct, and if separate ballots may be
12 placed upon any voting equipment to be used without endangering the
13 integrity of the ballots or without violating any other election law. Otherwise,
14 separate voting equipment shall be used for each precinct. In the instance of a
15 precinct which has a small number of voters such that the use of separate
16 voting equipment would be cost-prohibitive, the county clerk may make
17 application to the State Board of Elections to use supplemental paper ballots
18 under KRS 118.215 to conduct the voting for the small precinct on any
19 primary or election day. If the use of supplemental paper ballots is approved
20 by the State Board of Elections, at the close of voting on any primary or
21 election day, the locked supplemental paper ballot box shall be transported to
22 the county board of elections along with the federal provisional ballot
23 receptacle, and ballots shall be counted by the county board of elections as
24 provided by KRS 117.275(10) to (16)~~[(14)]~~;
- 25 (b) Separate precinct voter rosters shall be maintained for each precinct, and steps
26 shall be taken to ensure that voters cast their ballot in their duly authorized
27 precinct; and

1 (c) A separate set of election forms and reports required by this chapter and the
2 State Board of Elections shall be maintained for each precinct.

3 (3) The county board of elections may petition the State Board of Elections to allow the
4 consolidation of precincts and the consolidation of precinct election officers at any
5 voting location where voters of more than one (1) precinct vote. The petition shall
6 be on a form prescribed by the State Board of Elections in administrative
7 regulations promulgated under KRS Chapter 13A and shall include:

- 8 (a) A list of all precincts designated to vote at the voting location;
9 (b) The address and type of facility of the voting location;
10 (c) The number and type of voting systems or voting equipment to be used at the
11 voting location;
12 (d) The number of registered voters in each precinct designated to vote at the
13 voting location;
14 (e) An explanation of the reasons why the consolidation is desirable;
15 (f) The plan for additional precinct officers at the voting location, the manner in
16 which they will be assigned, and whether the voting location will be fully
17 staffed with election officials;
18 (g) The plan for how the county clerk will publicize the location for where the
19 voting shall occur, in addition to how each location shall be noted
20 conspicuously to residents of the county as a "Vote Center"; and
21 (h) The plan for how the voting location will serve as a focal point to meet the
22 needs of a diverse community.

23 (4) If the petition submitted under subsection (3) of this section is approved by the State
24 Board of Elections, the precinct election officers designated to serve as election
25 officers for more than one (1) precinct shall meet the eligibility requirements of
26 KRS 117.045.

27 ➔Section 6. KRS 117.079 is amended to read as follows:

1 The provisions of Section 3 of this Act, KRS 117.085, 117.086, and Chapter 117A
2 notwithstanding, the State Board of Elections shall, as circumstances warrant and with the
3 concurrence of the Attorney General, promulgate necessary administrative regulations to
4 preserve the absentee voting rights of residents of Kentucky who are covered voters as
5 defined in KRS 117A.010.

6 ➔Section 7. KRS 117.085 is amended to read as follows:

- 7 (1) (a) All requests for a mail-in absentee ballot shall be requested through a secure
8 online portal established by the State Board of Elections, except for:
- 9 1. Voters identified in KRS 117.077;
 - 10 2. Disabled voters; and
 - 11 3. Covered voters in paragraph (i) of this subsection;
- 12 who have the additional option of requesting a mail-in absentee ballot
13 application through the county clerk.
- 14 (b) Acquiring a mail-in absentee ballot by means of the online portal shall require
15 the voter to input personally identifiable information for verification.
- 16 (c) For those voters who do not have the means of accessing the online portal, the
17 county clerk shall fulfill a request for a mail-in absentee ballot by taking the
18 voter's information over the telephone or in person and directly inputting that
19 information into the secure online portal.
- 20 (d) The online portal shall have the capacity to ensure the identity of the voter
21 through proof of identification as required under KRS 117.227 or by means of
22 KRS 117.228.
- 23 (e) If a voter qualifies to receive a mail-in absentee ballot, the online portal shall
24 transmit the mail-in absentee ballot request to the county clerk of the county in
25 which the voter is registered to vote.
- 26 (f) The online portal shall not be open or permit any mail-in ballot requests to
27 occur more than forty-five (45) days immediately preceding the day of a

1 primary or an election. The online portal shall close at 11:59 p.m. local time,
2 fourteen (14) days immediately preceding the day of a primary or an election.

3 (g) Except as otherwise provided in KRS 117.077, the mail-in absentee ballot
4 may be requested by the voter or the spouse, parents, or children of the voter,
5 but shall be restricted to the use of the voter.

6 (h) Except as otherwise provided in KRS 117.077 and covered voters in
7 paragraph (i) of this subsection, a qualified voter may apply to cast his or her
8 vote by mail-in absentee ballot if the completed application is received
9 fourteen (14) days before the election, and if the voter is:

- 10 1. A resident of Kentucky who is a covered voter as defined in KRS
11 117A.010;
- 12 2. A student who temporarily resides outside the county of his or her
13 residence;
- 14 3. Incarcerated in jail and charged with a crime, but has not been convicted
15 of the crime;
- 16 4. Changing or has changed his or her place of residence to a different state
17 while the registration books are closed in the new state of residence
18 before an election of electors for President and Vice President of the
19 United States, in which case the voter shall be permitted to cast a mail-in
20 absentee ballot for electors for President and Vice President of the
21 United States only;
- 22 5. Temporarily residing outside the state but still eligible to vote in this
23 state;
- 24 6. Prevented from voting in person at the polls on election day and from
25 casting an excused or no-excuse in-person absentee ballot on all days
26 in-person absentee voting is conducted because he or she will~~this or her~~
27 ~~employment location requires him or her to~~ be absent from the county

1 of his or her residence all hours and all days excused or no-excuse in-
2 person absentee voting is conducted;

3 7. A participant in the Secretary of State's crime victim address
4 confidentiality protection program as authorized by KRS 14.312; or

5 8. Not able to appear at the polls on election day or the days excused or
6 no-excuse in-person absentee voting is conducted on the account of age,
7 disability, or illness, and who has not been declared mentally disabled by
8 a court of competent jurisdiction.

9 (i) Residents of Kentucky who are covered voters as defined in KRS 117A.010
10 may apply for a mail-in absentee ballot by means of the federal post-card
11 application, which may be transmitted to the county clerk's office by mail, by
12 facsimile machine, or by means of the electronic transmission system
13 established under KRS 117A.030(4). The federal post-card application may be
14 used to register, reregister, and to apply for a mail-in absentee ballot. If the
15 federal post-card application is received at any time not less than seven (7)
16 days before the election, the county clerk shall affix his or her seal to the
17 application form upon receipt.

18 (j) Any qualified voter who is disabled may use an accessible mail-in absentee
19 ballot portal to request and receive a mail-in absentee ballot by means of an
20 electronic transmission system as established under KRS 117A.030(4).~~[.]~~
21 The standards necessary to implement this paragraph~~[of which]~~ shall be set
22 by the State Board of Elections pursuant to administrative regulations
23 promulgated under KRS Chapter 13A.

24 ~~(2) In-person absentee voting shall be conducted in the county clerk's office or other~~
25 ~~place designated by the county board of elections and approved by the State Board~~
26 ~~of Elections during normal business hours on the Thursday, Friday, and Saturday~~
27 ~~immediately preceding the day of a primary or an election. Any voter who is~~

1 qualified to vote on election day in the county of his or her residence may choose to
2 cast an in-person absentee ballot while in-person absentee voting is being conducted
3 during the days listed in this subsection. The voter who elects to vote in-person
4 absentee shall provide proof of identification as defined in KRS 117.001 or meet
5 the requirements of KRS 117.228 and 117.229.

6 ~~(3) The members of the county board of elections or their designees who provide equal~~
7 ~~representation of both political parties may serve as precinct election officers,~~
8 ~~without compensation, for all in-person absentee voting conducted. If the members~~
9 ~~of the county board of elections or their designees serve as precinct election officers~~
10 ~~for in-person absentee voting, they shall perform the same duties and exercise the~~
11 ~~same authority as precinct election officers who serve on the day of an election. If~~
12 ~~the members of the county board of elections or their designees do not serve as~~
13 ~~precinct election officers for in-person absentee voting, the county clerk or deputy~~
14 ~~county clerks shall supervise the in-person absentee voting.~~

15 ~~(4) Any individual qualified to appoint challengers for the day of an election may also~~
16 ~~appoint challengers to observe all in-person absentee voting, and those challengers~~
17 ~~may exercise the same privileges as challengers appointed for observing voting on~~
18 ~~the day of an election at a regular polling place.~~

19 ~~(5)~~ For those voters who are eligible to receive a mail-in absentee ballot by means
20 other than the secure online portal pursuant to subsection (1) of this section, the
21 county clerk shall type the name of the voter permitted to vote by mail-in absentee
22 ballot on the mail-in absentee ballot application for that person's use and no other.
23 The mail-in absentee ballot application shall be in the form prescribed by the State
24 Board of Elections, which shall include the voter affirmation form as prescribed in
25 KRS 117.228(1)(c) and shall contain the following information: name, residential
26 address, precinct, party affiliation, statement of the reason the person cannot vote in
27 person on the day of an election or during the dates and time of no-excuse in-

1 *person absentee voting is being conducted*~~[day]~~, statement of where the voter shall
2 be on election day *or during the dates and times no-excuse in-person absentee*
3 *voting is being conducted*, statement of compliance with residency requirements for
4 voting in the precinct, an instructional statement prescribing the requirements for
5 providing a copy of the voter's proof of identification or voter affirmation when
6 applicable, and the voter's mailing address for a mail-in absentee ballot. The mail-in
7 absentee ballot application form shall be verified and signed by the voter, and the
8 voter shall provide a copy of his or her proof of identification, as defined in KRS
9 117.001, or the executed voter affirmation as described in KRS 117.228(1)(c). A
10 notice of the actual penalty provisions in KRS 117.995(2) and (5) shall be printed
11 on the mail-in absentee ballot application form.

12 ~~(3)~~~~[(6)]~~ For those voters eligible to receive a mail-in absentee ballot, if the county
13 clerk finds that the voter has completed and submitted an application for a mail-in
14 absentee ballot as provided in this section, is properly registered as stated in his or
15 her mail-in absentee ballot application, and qualifies to receive a mail-in absentee
16 ballot by mail, the county clerk shall mail to the voter a mail-in absentee ballot, two
17 (2) official envelopes for returning the mail-in absentee ballot, and instructions for
18 voting.

19 ~~(4)~~~~[(7)]~~ Mail-in absentee ballots shall be mailed to a voter's residential address located
20 in the county in which the voter is registered, except for:

- 21 (a) Qualified voters who apply pursuant to the requirements of subsection (1)(h)1.
22 to ~~5~~~~[(6)]~~ of this section; or
23 (b) Qualified voters covered under KRS 117.077.

24 ~~(5)~~~~[(8)]~~ The county clerk shall:

- 25 (a) Transmit a mail-in absentee ballot to the voter who is eligible to receive a
26 mail-in absentee ballot within four (4) days of receipt or within four (4) days
27 of the ballots being available;

- 1 (b) Cause mail-in absentee ballots to be printed fifty (50) days prior to each
2 primary or regular election, and forty-five (45) days prior to a special election;
3 and
- 4 (c) Complete a postal form for a certificate of mailing for mail-in absentee ballots
5 mailed within the fifty (50) states, and it shall be stamped by the postal service
6 when the mail-in absentee ballots are mailed. Unless a postal form for a
7 certificate of mailing is required, the county clerk may use methods of
8 tracking the mail-in absentee ballots by means of a printed barcode or other
9 label that is unique to the individual voter issued by the State Board of
10 Elections pursuant to administrative regulations promulgated under KRS
11 Chapter 13A.
- 12 ~~(6)~~~~(9)~~ A mail-in absentee ballot may be transmitted by facsimile machine or by the
13 electronic transmission system established under KRS 117A.030(4) to a covered
14 voter as defined in KRS 117A.010. The covered voter shall be notified of the
15 options for transmittal of the mail-in absentee ballot, and the mail-in absentee ballot
16 shall be transmitted by the method chosen for receipt by the resident of Kentucky
17 who is a covered voter.
- 18 ~~(7)~~~~(10)~~ The outer envelope of the mail-in absentee ballot shall bear the words
19 "Absentee Ballot", the address and official title of the county clerk, a printed
20 barcode or other label that is unique to the individual voter issued by the State
21 Board of Elections, and adequate space for the voter's signature, voting address,
22 precinct number, and signatures of two (2) witnesses if the voter signs the form with
23 the use of a mark instead of the voter's signature. A detachable flap on the secrecy
24 envelope shall provide space for the voter's signature, voting address, precinct
25 number, signatures of two (2) witnesses if the voter signs the form with the use of a
26 mark instead of the voter's signature and notice of penalty provided in KRS
27 117.995(5). The county clerk shall type the voter's address and precinct number in

1 the upper left hand corner of the outer envelope and of the detachable flap on the
2 secrecy envelope immediately below the blank space for the voter's signature. The
3 secrecy envelope shall be blank. If applicable, the county clerk shall retain the
4 voter's mail-in ballot application, which shall include the photographed copy of the
5 voter's proof of identification or the voter affirmation as prescribed by KRS
6 117.228(1)(c), and the postal form required by subsection ~~(5)~~~~(8)~~ of this section for
7 twenty-two (22) months after the primary or election.

8 ~~(8)~~~~(11)~~ Except as otherwise provided in subsection ~~(10)~~~~(13)~~ of this section, any
9 person who has received a mail-in absentee ballot but who knows at least seven (7)
10 days before the date of the election that he or she will be in his or her county of
11 residence on election day or during the days or no-excuse in-person absentee
12 voting and who has not voted by means of his or her mail-in absentee
13 ballot, ~~pursuant to the provisions of KRS 117.086~~ shall cancel his or her mail-in
14 absentee ballot and vote in person. The voter shall return the mail-in absentee ballot
15 to the county clerk's office by mail or hand delivery no later than seven (7) days
16 prior to the date of the election. Upon the return of the mail-in absentee ballot, the
17 county clerk shall mark on the outer envelope of the sealed ballot or the unmarked
18 ballot the words "Canceled because voter appeared to vote in person." Sealed
19 envelopes so marked shall not be opened. The county clerk shall remove the voter's
20 name from the list of persons who were sent mail-in absentee ballots, and the voter
21 may vote in the precinct in which he or she is properly registered.

22 ~~(9)~~~~(12)~~ Any voter qualified for a mail-in absentee ballot who does not receive a
23 requested mail-in absentee ballot within a reasonable amount of time shall contact
24 the county clerk, who shall reissue a second mail-in absentee ballot. The county
25 clerk shall keep a record of the mail-in absentee ballots issued and returned by mail,
26 hand-delivered, or placed in a secure drop-box or receptacle, and the in-person
27 absentee voting and federal in-person provisional absentee voting that is conducted,

1 to verify that only the first voted ballot is counted. Upon the return of any mail-in
2 absentee ballot after the first mail-in absentee ballot is returned, the county clerk
3 shall mark on the outer envelope of the sealed ballot the words "Canceled because
4 ballot reissued."

5 ~~(10)~~~~(13)~~ Any covered voter as defined in KRS 117A.010 who has received a mail-in
6 absentee ballot but who knows that he or she will be in the county on election day
7 or during the days of no-excuse in-person absentee voting, ~~and who has not voted~~
8 ~~pursuant to the provisions of KRS 117.086~~ shall cancel his or her mail-in absentee
9 ballot and vote in person during the days of no-excuse in-person absentee voting
10 or on the day of the election. The voter shall return the mail-in absentee ballot to
11 the county clerk's office on or before election day. Upon the return of the mail-in
12 absentee ballot, the county clerk shall mark on the outer envelope of the sealed
13 mail-in absentee ballot or the unmarked mail-in absentee ballot the words
14 "Canceled because voter appeared to vote in person." Sealed envelopes so marked
15 shall not be opened. ~~If the covered voter is unable to return the mail-in absentee~~
16 ~~ballot to the county clerk's office on or before election day, at the time he or she~~
17 ~~votes in person, he or she shall sign a written oath as to his or her qualifications on~~
18 ~~the form prescribed by the State Board of Elections pursuant to KRS 117.245.~~ The
19 county clerk shall remove the voter's name from the list of persons who were sent
20 mail-in absentee ballots, allow the voter to vote by means of no-excuse in-person
21 absentee ballot, or provide the voter with written authorization to vote at the
22 precinct on election day, ~~and the voter may vote in the precinct in which he or she~~
23 ~~is properly registered.~~ If the voter is unable to return the mail-in absentee ballot
24 to the county clerk's office on or before election day, at the time he or she votes in
25 person, he or she shall sign a written oath as to his or her qualifications on a
26 form prescribed by the State Board of Elections pursuant to KRS 117.245.

27 ~~(11)~~~~(14)~~ The State Board of Elections shall promulgate administrative regulations to:

- 1 (a) Ensure election officials have real-time knowledge of which voters have
2 requested mail-in absentee ballots; and
- 3 (b) Provide procedures to be followed if a voter attempts to vote more than once
4 at a primary or an election.

5 ~~(12)~~~~(15)~~ Notwithstanding the provisions of the Kentucky Open Records Act, KRS
6 61.870 to 61.884, and except for when the identification of the voter is provided to
7 the county board of elections under KRS 117.087, the information contained in an
8 application for a mail-in absentee ballot shall not be made public until after the
9 close of business hours on the election day for which the application applies. Except
10 for necessary election officials and for election-related duties as prescribed by law,
11 the name of the person who votes by means of a mail-in absentee ballot shall not be
12 disclosed. This subsection shall not prohibit at any time the disclosure, upon
13 request, of the total number of applications for mail-in absentee ballots that have
14 been filed, or the disclosure to the Secretary of State or the State Board of Elections,
15 if requested or if otherwise required by law, of any information in an application for
16 a mail-in absentee ballot.

17 ➔Section 8. KRS 117.0851 is amended to read as follows:

18 Absentee ballots and federal provisional absentee ballots cast, as absentee ballots and
19 federal provisional absentee ballots are provided by Section 3 of this Act, KRS 117.077,
20 117.085, and 117.229 shall all be tabulated in the same manner, as shall be provided by
21 this chapter.

22 ➔Section 9. KRS 117.086 is amended to read as follows:

- 23 (1) (a) The voter returning his or her absentee ballot to the county clerk by mail, hand
24 delivery, or to a secure drop-box or receptacle, shall mark his or her ballot,
25 seal it in the secrecy envelope, and then seal the outer envelope.
- 26 (b) The voter shall sign the detachable flap and the outer envelope in order to
27 validate the ballot. A person having power of attorney for the voter and who

1 signs the detachable flap and outer envelope for the voter shall complete the
2 voter assistance form as required by KRS 117.255. The signatures of two (2)
3 witnesses are required if the voter signs the form with the use of a mark
4 instead of the voter's signature. A resident of Kentucky who is a covered voter
5 as defined in KRS 117A.010 who has received an absentee ballot transmitted
6 by facsimile machine or by means of the electronic transmission system
7 established under KRS 117A.030(4) shall transmit the voted ballot to the
8 county clerk by mail only, conforming with ballot security requirements that
9 may be promulgated by the State Board of Elections by administrative
10 regulation under KRS Chapter 13A. In order to be counted, all mail-in
11 absentee ballots shall be received by the county clerk no later than the time
12 established by the election laws generally for the closing of the polls, which
13 time shall not include the extra hour during which those voters may vote who
14 were waiting in line to vote at the scheduled poll closing time.

15 (2) (a) The county clerk shall provide a minimum of one (1) secure ballot drop-box
16 to receive voted mail-in absentee ballots for each primary, regular election, or
17 special election. Public notice of all secure ballot drop-box locations shall be
18 given in the same manner as provided under subsection (4) of Section 3 of
19 this Act~~[(5) of this section]~~, and posted to the Web site of the county clerk.

20 (b) The county board of elections may seek the State Board of Elections' approval
21 of a ballot receptacle to receive voted mail-in absentee ballots for each
22 primary, regular election, or special election. Public notice of all secure ballot
23 receptacle locations shall be given in the same manner as provided under
24 subsection (4) of Section 3 of this Act~~[(5) of this section]~~, and posted to the
25 Web site of the county clerk. Before any mail-in absentee ballot shall be
26 allowed to be deposited inside a receptacle, the county board of elections shall
27 inform the State Board of Elections of:

- 1 1. The number of receptacles to be used;
- 2 2. The type of each receptacle to be used; and
- 3 3. The receptacle location.
- 4 (c) Any drop-box or receptacle located outside of the county clerk's office shall
- 5 be:
- 6 1. Placed in a well-lit and easily accessible location;
- 7 2. Secured to ensure immobility while in use;
- 8 3. Under video surveillance at all times;
- 9 4. Tamper-resistant; and
- 10 5. Conspicuously noted as a mail-in absentee ballot drop-off location.
- 11 (d) A drop-box or receptacle located inside the county clerk's office shall be under
- 12 direct supervision of the staff of the county clerk at all times and be accessible
- 13 to the public.
- 14 (e) Each receptacle or drop-box shall be emptied by the county clerk and at least
- 15 one (1) member of the county board of elections or one (1) member of the
- 16 central ballot counting board if one is appointed, who is not of the same
- 17 political affiliation as the county clerk at least once each business day or more
- 18 frequently, as needed, to reasonably secure and accommodate the volume of
- 19 the voter-delivered mail-in absentee ballots. The ballots deposited in the drop-
- 20 box or receptacle shall be removed with a record of the date and time ballots
- 21 were removed, and the names of the persons removing them. If the drop-box
- 22 or receptacle is located outside the county clerk's office, the ballots shall be
- 23 returned to the county clerk in locked transport containers, and the county
- 24 clerk shall transfer the ballots upon receipt in accordance with subsection
- 25 (3)~~(7)~~ of this section.
- 26 (f) Except for those times ballots are being removed and transported from a
- 27 secure ballot drop box to the county clerk as provided in this subsection, the

1 county clerk and at least one (1) member of the county board of elections who
2 is not of the same political affiliation or one (1) member of the central ballot
3 counting board who is not of the same political affiliation as the county clerk,
4 shall retain the keys to all secure ballot drop-boxes, receptacles, and transport
5 containers in use in the county.

6 (g) The State Board of Elections may establish additional security measures and
7 procedures for the use of the ballot drop-box or receptacle through
8 administrative regulations promulgated under KRS Chapter 13A.

9 (3) ~~{Any voter who shall be absent from the county on election day, but who does not~~
10 ~~qualify to receive a mail in absentee ballot under the provisions of KRS 117.085,~~
11 ~~and all voters qualified to vote prior to the election under the provisions of KRS~~
12 ~~117.085, shall vote at the main office of the county clerk or other place designated~~
13 ~~by the county board of elections, and approved by the State Board of Elections,~~
14 ~~prior to the day of election in accordance with KRS 117.085. The county clerk may~~
15 ~~provide for voting by the voting equipment in general use in the county or any other~~
16 ~~voting equipment approved by the State Board of Elections for use in Kentucky,~~
17 ~~except as follows:~~

18 (a) ~~Any voter qualifying to vote who receives assistance to vote shall complete~~
19 ~~the voter assistance form required by KRS 117.255;~~

20 (b) ~~Any voter qualifying to vote whose qualifications are challenged on grounds~~
21 ~~other than inability to provide proof of identification by any clerk or deputy~~
22 ~~shall complete an "Oath of Voter" affidavit; and~~

23 (c) ~~Any voter qualifying to vote who is unable to provide proof of identification~~
24 ~~as defined in KRS 117.001 may cast an in-person absentee ballot or federal~~
25 ~~provisional in-person absentee ballot in accordance with KRS 117.228 or~~
26 ~~117.229.~~

27 (4) ~~When the county clerk uses general voting equipment as provided for in subsection~~

1 ~~(3) of this section, each voter casting his or her vote in person absentee shall sign an~~
2 ~~"In Person Absentee Ballot Signature Roster."~~

3 ~~(5) The county clerk shall designate a location within the clerk's office where the~~
4 ~~ballots shall be cast secretly. The county clerk, with the approval of the State Board~~
5 ~~of Elections, may establish locations other than the clerk's main office in which the~~
6 ~~voters may execute their ballots. Public notice of the locations shall be given~~
7 ~~pursuant to KRS Chapter 424, and similar notice by mail shall be given to the~~
8 ~~county chairs of the two (2) political parties whose candidates polled the largest~~
9 ~~number of votes in the county at the last regular election.~~

10 ~~(6) The State Board of Elections shall promulgate administrative regulations under~~
11 ~~KRS Chapter 13A to provide for casting ballots in accordance with subsection (3)~~
12 ~~of this section.~~

13 ~~(7)~~ Upon receipt of a mail-in **absentee** ballot, the county clerk shall scan the barcode
14 or label that is unique to the individual voter to note the receipt of the mail-in
15 absentee ballot, and deposit all of the mail-in absentee ballots in a locked ballot box
16 immediately upon receipt without opening the outer envelope. The ballot box shall
17 be locked with **two (2)**~~[three (3)]~~ locks. The keys to the **ballot** box shall be retained
18 by at least **two (2)**~~[three (3)]~~ members of the **county board of elections who are not**
19 **of the same political affiliation or two (2) members of the** central~~[absentee]~~ ballot
20 counting board~~[,]~~ if one **(1)** is appointed, **who are not of the same political**
21 **affiliation**~~[or by the members of the board of elections]~~, and the box shall remain
22 locked until the ballots are processed, reviewed, or counted under KRS 117.087.~~[~~
23 ~~All voting equipment on which ballots are cast as permitted in subsection (3) of this~~
24 ~~section shall also remain locked and the keys shall be retained by at least three (3)~~
25 ~~members of the central absentee ballot counting board, if one is appointed, or by the~~
26 ~~members of the board of elections, and the equipment shall remain locked until the~~
27 ~~ballots are counted.]~~

- 1 ~~(4)~~~~(8)~~ The county clerk shall keep separate lists for each election of all persons who:
- 2 (a) Return their mail-in absentee ballots;
- 3 (b) Cast their excused and no-excuse in-person absentee ballots; and
- 4 (c) Cast their federal provisional in-person absentee ballots~~[under subsection~~
- 5 ~~(3)(c) of this section]~~.

6 The county clerk shall send a copy of each list to the State Board of Elections after

7 any primary or election day. Notwithstanding the provisions of the Kentucky Open

8 Records Act, KRS 61.870 to 61.884, each list of all persons who return their mail-in

9 absentee ballots or who cast their ballots by means of an excused in-person

10 absentee or no-excuse in-person absentee~~[in the clerk's office or other designated~~

11 ~~and approved place]~~ shall not be made public until after the close of business hours

12 on the primary or election day for which the list applies, except when provided to

13 the county board of elections under KRS 117.087. The county clerk and the

14 Secretary of State shall keep a record of the number of votes cast by each method

15 listed in paragraphs (a) to (c) of this subsection, which are cast in any primary or

16 election as a part of the official returns of the primary or election.

17 ~~(5)~~~~(9)~~ The county board of elections shall report to the State Board of Elections

18 within ten (10) days after any primary or regular election as to the number of

19 rejected absentee ballots, including rejected mail-in absentee ballots and ballots cast

20 under subsection (3) of this section, and the reasons for rejecting the ballots on a

21 form prescribed and furnished by the State Board of Elections in administrative

22 regulations promulgated under KRS Chapter 13A.

23 ➔Section 10. KRS 117.087 is amended to read as follows:

- 24 (1) The challenge of a mail-in absentee ballot shall be in writing and in the hands of the
- 25 county clerk before 8 a.m. on the day preceding any primary, regular election, or
- 26 special election day.
- 27 (2) The county board of elections may appoint a central ballot counting board of not

1 less than three (3) members, who shall be qualified voters and no more than two-
2 thirds (2/3) of whom shall be members of the same political party, to process,
3 review, and count the ballots at the direction of the county board of elections.

4 (3) (a) Beginning at 8 a.m. on any primary, regular election, or special election day,
5 the county board of elections or central ballot counting board shall meet at the
6 county clerk's office or other place designated by the county board of
7 elections to process and review the mail-in absentee ballots returned.
8 Candidates or their representatives shall be permitted to be present. The
9 county board of elections or central ballot counting board may meet up to
10 fourteen (14) days prior to the day of a primary or election to review and
11 process the mail-in absentee ballots cast in the county.~~[No person shall~~
12 ~~publicize any tallies or counts of these ballots, or any partial election results,~~
13 ~~until 6 p.m. local time, on the day of a primary or an election.]~~ The county
14 board of elections or central ballot counting board shall meet as often as
15 necessary during these fourteen (14) days to process and review returned mail-
16 in absentee ballots, including expediting any signature cures.

17 (b) The county board of elections or counting board chair or the chair's designee
18 shall provide each board member with a list of all voters who have returned a
19 mail-in absentee ballot by mail. If a list of all voters who have returned a mail-
20 in absentee ballot by mail is not provided to the board, the name of each voter
21 who cast an absentee ballot by mail shall be read aloud. The county board of
22 elections shall authorize representatives of the news media to observe the
23 processing and review of the ballots to determine their acceptance or rejection.

24 (c) Acceptance or rejection of the mail-in absentee ballots shall be determined as
25 follows:

- 26 1. The county board of elections or the central ballot counting board shall
27 open the boxes containing absentee ballots returned by mail, hand

- 1 delivered, or deposited in a drop-box or receptacle, and remove the
2 envelopes one (1) at a time. All mail-in absentee ballots returned shall
3 have their barcode or unique label scanned to note official receipt;
- 4 2. As each envelope is removed, it shall be examined to ascertain whether
5 the outer envelope and the detachable flap are in proper order and have
6 been signed by the voter, except if:
- 7 a. The detachable flap and outer envelope for the voter have been
8 signed by a person having power of attorney for the voter, and that
9 person has completed the voter assistance form required by KRS
10 117.255; or
- 11 b. The voter has signed the detachable flap and outer envelope with
12 the use of a mark instead of the voter's signature, the county board
13 of elections or the central ballot counting board shall verify that
14 the mark was made in the presence of two (2) witnesses;
- 15 3. Ballots with unsigned detachable flaps or outer envelopes shall be
16 rejected automatically;
- 17 4. Ballots that have not been sent by the county clerk to a qualified voter,
18 but are received by the county board of elections or the central ballot
19 counting board shall be rejected automatically;
- 20 5. The members of the county board of elections, or the members of the
21 central ballot counting board, shall compare the signatures on the outer
22 envelope and the detachable flap with the signature of the voter that
23 appears on the voter's signature of record, which record shall include the
24 signature on the voter's identity document as defined in KRS 186.010,
25 the voter's mail-in absentee ballot application, or the voter's registration
26 card. If a signature match cannot be made, the county board of elections,
27 central ballot counting board, or the county clerk shall make a

1 reasonable effort to contact the voter and provide notice to the voter with
2 a timeframe and manner in which the voter may cure his or her signature
3 relative to the mail-in absentee ballot signature. All signature cures shall
4 be completed before the closing of the polls on the day of a primary or
5 an election;

6 6. If the outer envelope and the detachable flap are found to be in order, the
7 members of the county board of elections or the members of the central
8 ballot counting board shall verify the voter's name from the list of
9 persons who were sent mail-in absentee ballots, but if a list has not been
10 provided to the board, the name of the voter shall be read aloud;

11 7. If the vote of the voter is not rejected on a challenge as provided in
12 subparagraph 8. of this paragraph or as otherwise provided in this
13 subsection, the members of the county board of elections or the
14 members of the central ballot counting board shall remove the
15 detachable flap and place the secrecy envelope unopened in a ballot box
16 which has been provided for the purpose;

17 8. When the name of a voter who cast a mail-in absentee ballot is
18 processed and reviewed by the members of the county board of elections
19 or the members of the central ballot counting board, the vote of the voter
20 may be challenged by any board member or by the written challenge
21 provided in subsection (1) of this section and the challenge may be
22 determined and the vote accepted or rejected by the board as if the voter
23 was present and voting in person; but if the outer envelope and the
24 detachable flap are regular, and each substantially comply with the
25 provisions of this chapter, they shall be considered as showing that the
26 voter is prima facie entitled to vote. If the vote of a voter is rejected
27 pursuant to the challenge, the secrecy envelope shall not be opened, but

1 returned to the outer envelope upon which the chair or member shall
2 write on the envelope the word "rejected";

3 9. If irregularities are discovered in the review and processing of the mail-
4 in absentee ballot, the county board of elections or the central **ballot**
5 counting board shall immediately report to the county attorney or the
6 Office of the Attorney General; and

7 10. The ballot box into which all accepted mail-in absentee ballots are
8 placed shall be locked with **at least two (2)**~~[three (3)]~~ locks and the keys
9 to the box shall be retained by at least **two (2) members of the county**
10 **board of elections who are not of the same political affiliation or two**
11 **(2)**~~[three (3)]~~ members of the central **ballot** counting board, **who are not**
12 **of the same political affiliation**~~[if one (1) has been appointed, or by the~~
13 ~~members of the county board of elections]~~. The box shall remain locked
14 until the ballots are counted.

15 (d) The State Board of Elections shall promulgate administrative regulations
16 under KRS Chapter 13A establishing the form of the notice required under
17 this subsection for the curing of signatures.

18 (4) (a) Beginning at 8 a.m. local time on any primary, regular election, or special
19 election day, the county board of elections or a central **ballot** counting board
20 shall meet in the county clerk's office **or other place designated by the county**
21 **board of elections** to:

22 1. Review and process any mail-in absentee ballots returned using the
23 procedures in subsection (3) of this section; and
24 2. Count, or the county board of elections may oversee the count by the
25 central **ballot** counting board, the accepted mail-in absentee ballots and
26 total and record the in-person absentee votes cast.

27 (b) During the review, processing, and counting of the absentee ballots and votes,

1 candidates or their representatives shall be permitted to be present, and the
2 county board of elections shall authorize representatives of the news media to
3 observe.

4 ~~[(c) No person shall publicize any tallies or counts of these ballots, or any partial~~
5 ~~election results, until 6 p.m. local time, on the day of a primary or an election.]~~

6 (5) After the challenges have been made and all the blank secrecy envelopes have been
7 placed in a ballot box, the box shall be thoroughly shaken or shuffled to redistribute
8 the absentee ballots in the box to ensure secrecy of the vote. The board shall open
9 the ballot box, remove the absentee ballots from the secrecy envelopes, and count
10 the ballots.

11 (6) The board shall unlock **and break the tamper-resistant seal to** any voting
12 equipment used to cast in-person absentee ballots, as provided for in **Section 3 of**
13 **this Act**~~[KRS 117.086]~~, and a total of all in-person absentee ballots shall be made
14 and recorded on the form provided by the State Board of Elections.

15 (7) **No person shall**~~[The county board of elections, the county clerk, and all individuals~~
16 ~~permitted to be present for the counting of absentee ballots pursuant to subsection~~
17 ~~(4) of this section shall not make public]~~ **transmit or publicize any tallies or counts**
18 **of the absentee ballot results or any partial results**~~[determined]~~ as provided in this
19 section **to any person except those persons, election officials, or entities**
20 **authorized by law to receive it,** until 6 p.m. prevailing time on the day of a primary
21 or an election.

22 ➔Section 11. KRS 117.088 is amended to read as follows:

23 (1) For purposes of this section, "blind or visually impaired individual" means an
24 individual who:

25 (a) Has a visual acuity of 20/200 or less in the better eye with correcting lenses or
26 has a limited field of vision so that the widest diameter of the visual field
27 subtends an angle no greater than twenty (20) degrees;

- 1 (b) Has a medically indicated expectation of visual deterioration;
- 2 (c) Has a medically diagnosed limitation in visual functioning that restricts the
3 individual's ability to read and write standard print at levels expected of
4 individuals of comparable ability;
- 5 (d) Has been certified as requiring permanent assistance to vote under KRS
6 117.255(5) for reason of blindness; or
- 7 (e) Qualifies to receive assistance to vote under KRS 117.255(2) for reason of
8 blindness.
- 9 (2) For purposes of this section, "pilot program" means a program in a county
10 containing a consolidated local government or containing a city of the first class for
11 unassisted voting by blind or visually impaired individuals.
- 12 (3) A county board of elections in a county containing a consolidated local government
13 or containing a city of the first class may establish a pilot program. As part of this
14 pilot program, the State Board of Elections shall approve the use of voting
15 equipment under KRS 117.379 that is designed to permit blind and visually
16 impaired individuals to vote without assistance, for use beginning in the 2002
17 general election. No county board of elections in a county containing a consolidated
18 local government or containing a city of the first class shall be required to operate a
19 pilot program.
- 20 (4) The State Board of Elections, if it approves the voting equipment under KRS
21 117.379, may approve the use of voting equipment designed to permit blind and
22 visually impaired individuals to vote without assistance in as many locations within
23 a county containing a consolidated local government or containing a city of the first
24 class as are designated by the county board of elections.
- 25 (5) A county board of elections in a county containing a consolidated local government
26 or containing a city of the first class shall provide a report to the State Board of
27 Elections after every primary or regular election regarding the number of blind or

1 visually impaired individuals that have utilized the voting equipment during the
2 pilot program.

3 (6) Notwithstanding the provisions of KRS 116.025, or any other statute to the
4 contrary, a blind or visually impaired voter residing in a county containing a
5 consolidated local government or containing a city of the first class that is operating
6 a pilot program shall be permitted to vote at a location outside the precinct of his or
7 her registration by voting at a location within the county of his or her registration on
8 voting equipment designed to permit blind or visually impaired individuals to vote
9 without assistance, which may include voting at the county clerk's office, or other
10 place designated by the county board of elections, and approved by the State Board
11 of Elections.

12 (7) Notwithstanding the provisions of Section 3 of this Act, KRS 117.085, 117.086, or
13 117.0863 or any other statute to the contrary, a blind or visually impaired individual
14 residing in a county containing a consolidated local government or containing a city
15 of the first class that is operating a pilot program shall be permitted to vote in the
16 location within the county of his or her registration as provided under subsection (6)
17 of this section, on voting equipment designed to permit blind or visually impaired
18 individuals to vote without assistance, at any time during which in-person absentee
19 voting is conducted.

20 (8) The State Board of Elections may certify, as a part of the pilot project of a county
21 containing a consolidated local government or containing a city of the first class,
22 voting equipment which utilizes audio recordings, voice-activated technology, or
23 vocal recognition technology to record a vote, and may require such
24 accommodations as would permit a blind or visually impaired voter to cast a vote in
25 secret, provided the voting equipment produces a voter-verified paper audit trail.

26 (9) Notwithstanding the provisions of KRS 117.255, a blind or visually impaired voter
27 residing in a county containing a consolidated local government or containing a city

1 of the first class that is operating a pilot project may cast his or her vote alone and
2 without assistance on voting equipment approved for use by blind or visually
3 impaired individuals. However, the blind or visually impaired voter shall be
4 instructed by the officers of election, with the aid of the instruction cards and the
5 model, in the use of the equipment, if the voter so requests.

6 (10) Nothing in this section shall impair the right of any qualified voter under KRS
7 117.255 to receive assistance and vote according to the procedures specified in that
8 section.

9 ➔Section 12. KRS 117.125 is amended to read as follows:

10 Except for voting equipment that has been certified and in use on or before June 29, 2021,
11 no voting system shall be approved for use after June 29, 2021, by the State Board of
12 Elections, either upon initial examination or reexamination, unless the system has been
13 certified under KRS 117.379 and is so constructed that it shall:

14 (1) Ensure secrecy to the voter in the act of voting so that no person can see or know for
15 whom any other voter has voted or is voting, except for those voters requiring
16 assistance under KRS 117.255;

17 (2) Permit votes to be cast for any candidate entitled to have his or her name printed
18 upon the ballots at any primary, regular election, or special election, and for or
19 against any public question entitled to be placed upon the ballots;

20 (3) Except at a primary, permit a voter to vote for all the candidates of one (1) party or
21 for one (1) or more candidates of every party having candidates entitled to be voted
22 for, or for one (1) or more independent, political organization, or political group
23 candidates;

24 (4) Permit a voter to vote for as many persons for an office as the voter is lawfully
25 entitled to vote for, and no more;

26 (5) Prevent a voter from voting for more persons for any office than the voter is entitled
27 to vote for, and from voting for the same person, or for or against the same

- 1 question, more than once;
- 2 (6) Permit a voter to vote for or against any question the voter may have the right to
3 vote on, but no other;
- 4 (7) Provide for a nonpartisan ballot;
- 5 (8) Be capable of being adjusted for use in a primary so that a voter may not vote for
6 any person except those seeking nomination as candidates of the voter's party, as
7 candidates for a nonpartisan office, or as candidates for an office of the Court of
8 Justice;
- 9 (9) Permit each voter to vote for all the candidates for presidential electors of any party
10 by one (1) operation;
- 11 (10) Permit each voter to vote, in any regular or special election, for any person for
12 whom the voter desires to vote whose name does not appear upon the ballot by
13 providing a method of write-in voting;
- 14 (11) Be safe, efficient, and accurate in the conduct of elections, and correctly register and
15 accurately count all votes cast for each person, and for or against each public
16 question;
- 17 (12) (a) Provide each voter an opportunity to verify votes recorded on the permanent
18 paper ballot, either visually or using assistive voting technology, by producing
19 a voter-verified paper audit trail;
- 20 (b) Provide each voter an opportunity to change votes or correct any error before
21 the voter's ballot is cast and counted; and
- 22 (c) Provide a voter who spoils his or her ballot another ballot as provided under
23 this chapter;
- 24 (13) Use an individual, discrete, permanent, paper ballot cast by the voter for tabulating
25 purposes;
- 26 (14) Preserve the paper ballot as an official record available for use in any audit or
27 recount;

- 1 (15) Be suitably designed for the purpose used, constructed of a durable material, and
2 safely transportable;
- 3 (16) Be capable of determining whether the voting equipment has been unlocked and
4 operated or adjusted in any manner after once being locked;
- 5 (17) Have a public counter with a register which is visible from the outside of the
6 counter or device that will show at all times during an election how many persons
7 have voted;
- 8 (18) Have a protective cumulative counter indicating the number of votes cast for each
9 person, and the votes cast for or against each public question which cannot be seen,
10 reset, or tampered with without unlocking a covering device by a key or other
11 security apparatus that cannot unlock any other part of the equipment, and which
12 prevents changes to the cumulative counter once the system has been put into
13 operation on the day of any election;
- 14 (19) Provide for the tabulating of votes at the precinct as required under KRS 117.275;
- 15 (20) Provide locks or other security apparatus by which the operation of the voting
16 equipment may be locked before the time for opening the polls and after the time
17 for closing the polls;
- 18 (21) Permit a voter to readily learn the method of operating it, to expeditiously cast a
19 vote for all candidates and on all questions of the voter's choice, and when operated
20 properly, register and record correctly and accurately every vote cast;
- 21 (22) Bear a number or other unique designation that will distinguish it from any other
22 voting equipment or voting system;
- 23 (23) Produce a real-time audit log record for the voting system, and produce a paper
24 record with a manual audit capacity which shall be available as an official record for
25 any recount conducted related to any primary or election in which the system is
26 used;
- 27 (24) Be accessible for individuals with impairments, including nonvisual accessibility

1 for the blind or visually impaired, in a manner that provides the same opportunity
2 for access and participation, including privacy and independence, as for other
3 voters;

4 (25) Prohibit voting equipment that tabulates or aggregates votes used in official
5 results from connecting to any network, including the Internet, or
6 communicating with any device external to the voting system;

7 (26) Meet or exceed the standards for a voting system established by the Election
8 Assistance Commission, as amended from time to time, and those approved under
9 KRS 117.379; and

10 (27)~~(26)~~ Meet such other requirements as may be established by the State Board of
11 Elections in administrative regulations promulgated under KRS Chapter 13A to
12 reflect changes in technology to ensure the integrity and security of voting systems.

13 ➔Section 13. KRS 117.135 is amended to read as follows:

14 When voting equipment is acquired by any county, the voting equipment shall:

15 (1) Be immediately placed in the custody of the county clerk;

16 (2) ~~[-, and shall -]~~Remain in the county clerk's~~[his or her]~~ custody at all times except
17 when in use during in-person absentee voting, during~~[at]~~ an election, or when in
18 the custody of a court or court officer during contest proceedings;

19 (3) Be~~[-. The clerk shall see that the voting equipment is]~~ properly protected and
20 preserved from damage or unnecessary deterioration;

21 (4) Be protected by the county clerk from~~[-, and shall not permit]~~ any unauthorized
22 tampering~~[person to tamper]~~ with the voting equipment; and

23 (5) Be secured and locked by the county clerk to ensure that access is restricted to
24 only members of the county board of elections or other persons as authorized by
25 law.

26 ➔Section 14. KRS 117.155 is amended to read as follows:

27 The county clerk shall place all ballots required to be placed upon voting equipment in

1 such a manner as will most nearly conform to the plan of arrangement prescribed by the
2 Secretary of State under KRS 118.215. The county clerk shall then see that the counters
3 referred to in KRS 117.125(17) and (18) are set at zero, and shall lock the operating
4 device and mechanism and the devices protecting the counters and ballots, which shall
5 then be covered with a tamper-resistant seal. The county clerk shall then enter in an
6 appropriate book, opposite the number of each precinct the distinguishing number of the
7 voting equipment or the unique designation to be used in that precinct.

8 ➔Section 15. KRS 117.165 is amended to read as follows:

9 (1) Upon completing the preparation of the voting systems, including any voting
10 equipment in operation, in accordance with KRS 117.155, and not later than the
11 Thursday preceding the day of the election, the county clerk shall notify the
12 members of the county board of elections that the voting equipment is ready for use.
13 The county board of elections shall thereupon convene at the office of the county
14 clerk, not later than the Friday preceding the day of the election, and examine the
15 voting equipment to determine whether the requirements of KRS 117.155 have been
16 met. The county board of elections shall publish notice, in accordance with KRS
17 424.130(1)(d), at least twenty-four (24) hours in advance of the time when the
18 voting equipment is to be examined by the board. If found in proper order, the
19 members of the county board of elections shall endorse their approval in the book in
20 which the county clerk has entered the numbers or the unique designation of the
21 voting equipment opposite the numbers of the precincts. The county clerk shall then
22 deliver all of the keys to the voting equipment to the county board of elections who
23 shall give a receipt for the keys~~[- which shall contain identification of the keys]~~. Not
24 later than one (1) hour before the time set for the opening of the polls, the board
25 shall deliver all election supplies including the precinct list, tabulation sheets, and
26 the key to the device covering the registering counters and other keys necessary for
27 the operation of the voting equipment in registering votes, to the election officers of

1 the precinct in which the voting equipment is being used, who shall give the board a
2 receipt~~[containing identification]~~ of the keys. The~~[master key and all other]~~ keys
3 shall remain in the possession of the county board of elections.

4 (2) Not later than four (4) business days preceding the date set to conduct excused in-
5 person absentee voting in accordance with Section 3 of this Act~~[KRS 117.085]~~, the
6 county clerk shall notify the members of the county board of elections that the
7 voting equipment designated for use during in-person absentee voting are ready for
8 use. The board shall thereupon convene at the office of the county clerk, not later
9 than three (3) business days preceding the date set to conduct excused in-person
10 absentee voting, and examine the voting equipment to determine whether the
11 requirements of KRS 117.155 have been met. The county board of elections shall
12 publish notice, in accordance with KRS 424.130(1)(d), at least twenty-four (24)
13 hours in advance of the time when the absentee voting equipment is to be examined
14 by the board. If found in proper order, the members of the county board of elections
15 shall endorse their approval in the book in which the county clerk has entered the
16 unique designation or the identification number of the voting equipment designated
17 for use during in-person absentee voting.

18 (3) Any candidate, one (1) representative of each political party having candidates to be
19 voted for at the election, and representatives of the news media may be present
20 when the examination of the voting equipment is made by the county board of
21 elections.

22 ➔Section 16. KRS 117.275 is amended to read as follows:

23 (1) At the count of the votes in any precinct, any candidate or slate of candidates and
24 any representatives to witness and check the count of the votes therein, who are
25 authorized to be appointed as is provided in subsection (9) of this section, shall be
26 admitted and permitted to be present and witness the count.

27 (2) As soon as the polls are closed, and the last voter has voted, the judges at that time

1 shall immediately lock and seal the voting equipment so that the voting and
2 counting mechanisms will be prevented from operating, and they shall sign a
3 certificate stating:

- 4 (a) That the voting equipment has been locked against voting and sealed;
- 5 (b) The number of voters, as shown on the public counters;
- 6 (c) The number registered on the protective or cumulative counter or device; and
- 7 (d) The number or other designation of the voting equipment.

8 The certificate, with any additional certificate previously prepared under KRS
9 117.035, shall be returned by the judges of election to the officials authorized by
10 law to receive it. The judges shall compare the number of voters, as shown by the
11 counter of the voting equipment, with the number of those who have voted as
12 shown by the protective or cumulative counter or device.

13 (3) Where voting equipment is used which does not print the candidates' names along
14 with the total votes received on a general return sheet or record for that equipment,
15 the procedure to be followed shall be as follows:

- 16 (a) The judges, in the presence of the representatives mentioned in subsection (1)
17 of this section, if any, and of all other persons who may be lawfully within the
18 polling place, shall give full view of all the counter numbers;
- 19 (b) The judges shall enter, in ink, the total votes cast for each candidate, and slate
20 of candidates, and for and against each question on the return sheets; and
- 21 (c) Each precinct election officer shall sign the return sheets, and a copy of the
22 return sheets shall be posted on the precinct door.

23 (4) Where voting equipment is used that prints the candidates' names along with the
24 total votes received on a return sheet or record for that equipment, the precinct
25 election officers shall sign the return sheets or record for the voting equipment,
26 which shall be posted on the door of the precinct.

27 (5) If any officer shall decline to sign the return sheets, he or she shall state the reason

1 in writing, and a copy thereof, signed by the officer, shall be enclosed with the
2 return sheets.

3 (6) Each of the return sheets, if applicable, and the record of the voting equipment shall
4 be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1)
5 copy of the record of the voting equipment, and the write-in roll, if any write-in
6 votes were cast in the precinct, shall be directed to the county board of elections of
7 the county in which the election is being held. One (1) copy of the return sheets or
8 record of the voting equipment shall be given to the county clerk of the county in
9 which the election is being held and to each of the local governing bodies of the two
10 (2) dominant political parties, but a local governing body of a dominant political
11 party may decline a copy of the precinct election return by filing a written
12 declination with the county board of elections prior to the election, and upon this
13 declination, a printed copy shall not be issued to the political party so declining. The
14 declination on file shall be effective for that election and any subsequent elections
15 until revoked by the local governing body of a dominant political party by filing a
16 written revocation with the county board of elections. The envelope shall have
17 endorsed thereon a certificate of the election officers, stating the number or unique
18 designation of the voting equipment, the precinct where it has been used, the
19 number on the seal, and the number on the protective or cumulative counter or
20 device at the close of the polls.

21 (7) *During the period established by KRS 117.355(3), and* following the tabulation of
22 all votes cast in the election, including absentee votes and write-in votes:

23 (a) ~~[,]~~The county board *of elections* shall mail, *transmit via facsimile machine,*
24 *hand deliver, or submit by electronic means* a copy of the precinct-by-
25 precinct summary of the tabulation sheets showing the results from each
26 precinct to the State Board of Elections. *The copy of the precinct-by-precinct*
27 *summary of the tabulation sheets showing the results from each precinct*

1 shall include the votes cast on the day of an election and during in-person
2 absentee voting; and

3 **(b)** The county clerk shall mail or deliver the precinct signature rosters from each
4 precinct and the in-person absentee ballot signature roster to the State Board
5 of Elections~~[during the period established by KRS 117.355(3)]~~.

6 (8) **For each voting location,** as soon as possible after the completion of the count, the
7 two **(2) election officers who are not of the same political affiliation**~~[(2) judges]~~
8 shall return to the county board of elections the keys to the voting equipment
9 received and receipted for by them, and the county clerk, in **each voting**
10 **location,**~~[which the precinct is located]~~ shall have the voting equipment properly
11 boxed or securely covered and removed to a proper and secure place of storage.

12 (9) In primaries, each candidate or group of candidates may designate to the county
13 board of elections a representative to witness and check the vote count. In regular
14 elections, the governing authority of each political party, each candidate for member
15 of board of education, nonpartisan candidate, political group candidate, political
16 organization candidate, independent candidate, or independent ticket may designate
17 a representative to the county board of elections to witness and check the vote
18 count. The county board of elections shall authorize representatives of the news
19 media to witness the vote count.

20 (10) For all federal provisional ballots, if applicable, and supplemental paper ballots if
21 approved as provided in KRS 118.215, after the polls are closed, the two (2) judges
22 shall return to the county clerk's office the locked federal provisional ballot
23 receptacle and the supplemental paper ballot box, all ballot stubs, spoiled ballots,
24 and unvoted ballots at the same time as the tabulation of votes from the voting
25 equipment is delivered. The county clerk shall issue a receipt for the number of
26 ballot stubs, unvoted ballots, spoiled ballots, and the ballot boxes or ballot
27 receptacle.

- 1 (11) The county board of elections, or its designee, shall count and tally the
2 supplemental paper ballots that have not been tabulated by automatic tabulating
3 equipment at the precinct, either manually or with the use of tabulating equipment
4 that has been certified by the State Board of Elections for use for that purpose in the
5 county clerk's office. The results of the vote tally shall be certified by the county
6 board of elections to the county clerk and to the Secretary of State.
- 7 (12) The county board of elections shall tabulate the valid federal provisional ballots.
8 The results of the vote tally shall be certified by the county board of elections to the
9 county clerk and to the Secretary of State. The county board of elections shall mail
10 a copy of the precinct-by-precinct summary of the valid federal provisional ballot
11 tabulation sheets showing the results from each precinct to the State Board of
12 Elections.
- 13 (13) The county board of elections shall authorize the candidates, slates of candidates, or
14 their representatives, and representatives of the news media to be present during the
15 counting of the supplemental and federal provisional paper ballots.
- 16 (14) No person shall transmit or publicize any tallies or counts of ballots, or any
17 partial results, to any person except those persons, election officials, or entities
18 authorized by law to receive it, until 6 p.m. prevailing time on the day of a
19 primary or an election.
- 20 (15) (a) Unofficial election results transmitted online to the county board of
21 elections or the State Board of Elections shall occur by means of a secure
22 online connection after results are tallied on the tally computer that has
23 been certified in accordance with KRS 117.379 as part of a voting system as
24 defined in Section 22 of this Act.
- 25 (b) If an external device is used to upload election results for the subsequent
26 transmission, the device shall be used for that primary or election only and
27 be of a type approved by the State Board of Elections as part of a voting

1 system under KRS 117.379. The upload of the election results shall occur in
2 the presence of two (2) members of the county board of elections who are of
3 a different political affiliation.

4 ~~(16)~~~~((14))~~ Except as otherwise required in this chapter, all records and papers relating to
5 specified elections shall be retained for twenty-two (22) months, and the county
6 clerk shall retain the voted federal provisional ballots, voter affirmations, election
7 official affirmations, and the supplemental paper ballots for twenty-two (22) months
8 and the unvoted federal provisional ballots, the voter affirmations, election official
9 affirmations, and the supplemental paper ballots for sixty (60) days after each
10 election day, after which time they shall be destroyed in a manner to render them
11 unreadable by the county board of elections if no contest or recount action has been
12 filed.

13 ➔Section 17. KRS 117.383 is amended to read as follows:

14 The State Board of Elections shall promulgate administrative regulations under KRS
15 Chapter 13A which shall maintain the maximum degree of correctness, impartiality, and
16 efficiency of the procedures of voting and shall provide methods to:

- 17 (1) Count, tabulate, and record votes;
- 18 (2) Place items on any ballot which shall, as closely as possible, follow the
19 requirements pertaining to ballots;
- 20 (3) Design the ballots to include a system to ensure an accurate record of all voting
21 activities;
- 22 (4) Instruct voters in the use of the voting system, including any ballot marking device;
- 23 (5) Provide for checking the accuracy of the voting system;
- 24 (6) Provide necessary supplies, including those necessary for a write-in vote, to ensure
25 voter privacy;
- 26 (7) As part of the official canvass, provide for a manual recount of randomly selected
27 precincts representing three percent (3%) to five percent (5%) of the total ballots

- 1 cast in each election;
- 2 (8) Provide for the conducting and review of an audit of any component of a voting
3 system or any voting equipment, and a review of any audit log;
- 4 (9) (a) Provide for the conducting and review of an election audit, including a risk-
5 limiting audit, and risk-limiting audit pilot program, all of which shall
6 establish the protocol by which ballots are checked, compared, and verified
7 with the results produced by vote tallying equipment to ensure accuracy.
- 8 (b) The pilot program shall, at a minimum, include individuals representing the
9 State Board of Elections, the Office of the Secretary of State, and no fewer
10 than five percent (5%) of Kentucky's counties.
- 11 (c) The risk-limiting audit and risk-limiting audit pilot program shall make the
12 results of its findings available to the public;
- 13 (10) Provide a method for maintaining sufficient documents, including ballots and
14 records, so that votes can be recounted;
- 15 (11) Ensure the county board of elections produces accurate precinct-by-precinct
16 summaries of tabulation sheets showing the results of each precinct during in-
17 person absentee voting, election day voting, and when a county is approved to use
18 a vote center;
- 19 (12) Except as otherwise required in this chapter, all records and papers relating to
20 specified elections be retained for twenty-two (22) months, such documents and
21 records shall be maintained for thirty (30) days following an election; and
- 22 (13)~~[(12)]~~ Unless contrary to the Help America Vote Act of 2002, ensure that all federal
23 provisional voting shall be conducted in a manner as prescribed by KRS Chapters
24 116 to 120.
- 25 ➔Section 18. KRS 118.115 is amended to read as follows:
- 26 (1) Except as provided in subsection (2)(b) of KRS 83A.045 governing vacancies in
27 candidacy, candidates for unexpired terms to be filled at a regular election shall be

1 nominated at the primary next preceding the regular election, if the vacancy
2 occurred not less than one hundred sixty (160) days before the primary.

3 (2) If the vacancy occurred less than one hundred sixty (160) days before the primary,
4 the nomination shall be made in a manner determined by the governing authority of
5 the political party concerned as defined in Section 23 of this Act. Certificates of
6 nomination shall be filed as required with the Secretary of State or county clerk
7 not later than the first Tuesday after the first Monday in June preceding the day
8 fixed by law for the election~~[concerned. In the preparation of ballots, candidates for~~
9 ~~full terms shall be grouped together, and candidates for unexpired terms shall be~~
10 ~~grouped together, under appropriate headings, so that the voter may easily~~
11 ~~distinguish the candidates for full terms from the candidates for unexpired terms].~~

12 (3) If the vacancy occurs after the first Tuesday after the first Monday in June
13 preceding the day fixed by law for the election, but not less than three (3) months
14 before the regular election, the nomination shall be made in a manner
15 determined by the governing authority of the political party concerned as defined
16 in Section 23 of this Act. Certificates of nomination shall be filed as required with
17 the Secretary of State or county clerk not later than the second Tuesday in
18 August preceding the regular election sought.

19 (4) Independent, political organization, or political group candidates filing to fill a
20 vacancy for an unexpired term shall be governed by KRS 118.375.

21 (5) In the preparation of ballots, candidates for full terms shall be grouped together,
22 and candidates for unexpired terms shall be grouped together, under appropriate
23 headings, so that the voter may easily distinguish the candidates for full terms
24 from the candidates for unexpired terms.

25 (6) [(2)] A judge who elected to retire as a Senior Status Special Judge in accordance
26 with KRS 21.580 shall not become a candidate or a nominee for any elected office
27 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the

1 number of days served by the judge acting as a Senior Status Special Judge.

2 ➔Section 19. KRS 118.215 is amended to read as follows:

3 (1) After the order of the names has been determined as provided in KRS 118.225, the
4 Secretary of State shall certify, to the county clerks of the respective counties
5 entitled to participate in the nomination or election of the respective candidates, the
6 name, place of residence, and party of each candidate or slate of candidates for each
7 office, as specified in the nomination papers or certificates and petitions of
8 nomination filed with him or her, and shall designate the device with which the
9 candidate groups, slates of candidates, or lists of candidates of each party shall be
10 printed, in the order in which they are to appear on the ballot, with precedence to be
11 given to the party that polled the highest number of votes at the preceding election
12 for presidential electors, followed by the political party which received the second
13 highest number of votes, with the order of any other political parties and
14 independents to be determined by lot. Candidates for county offices and local state
15 offices shall be listed in the following order: Commonwealth's attorney, circuit
16 clerk, property valuation administrator, county judge/executive, county attorney,
17 county clerk, sheriff, jailer, county commissioner, coroner, justice of the peace, and
18 constable. The names of candidates for President and Vice President shall be
19 certified in lieu of certifying the names of the candidates for presidential electors.

20 The names shall be certified as follows:

- 21 (a) Not later than the second Monday after the filing deadline for the primary as
22 established in KRS 83A.045, 118.165, and 118A.060;
- 23 (b) Not later than the **fourth Monday in August**~~[second Monday following the~~
24 ~~filing deadline for the regular election]~~, except as provided in paragraph (c) of
25 this subsection; and
- 26 (c) Not later than the Monday after the Friday following the first Tuesday in
27 September preceding a regular election, for those years in which there is an

1 election for President and Vice President of the United States.

2 (2) Except as otherwise provided in subsection (3) of this section, all independent
3 candidates or slates of candidates whose nominating petitions are filed with the
4 county clerk or the Secretary of State shall be listed under the title and device
5 designated by them as provided in KRS 118.315, or if none is designated, under the
6 word "independent," and shall be placed on the ballot in a separate column or
7 columns or in a separate line or lines according to the office which they seek. The
8 order in which independent candidates or slates of candidates shall appear on the
9 ballot shall be determined by lot by the county clerk. If the same device is selected
10 by two (2) groups of petitioners, it shall be given to the first selecting it and the
11 county clerk shall permit the other group to select a suitable device. This section
12 shall not apply to candidates for municipal offices which come under subsection (3)
13 of this section.

14 (3) The ballots used at any election in which city officers are to be elected as provided
15 in subsection (2) of this section shall contain the names of candidates for the city
16 offices grouped according to the offices they seek, and the candidates shall be
17 immediately arranged with and designated by the title of office they seek. The order
18 in which the names of the candidates for each office are to be printed on the ballot
19 shall be determined by lot. Each group of candidates for each separate office for
20 which the candidates are to be elected shall be clearly separated from other groups
21 on the ballot and spaced to avoid confusion on the part of the voter.

22 (4) The Secretary of State shall not knowingly certify to the county clerk of any county
23 the name of any candidate or slate of candidates who has not filed the required
24 nomination papers, nor knowingly fail to certify the name of any candidate or slate
25 of candidates who has filed the required nomination papers.

26 (5) If the county clerk determines that the number of certified candidates or slates of
27 candidates cannot be placed on a ballot which can be accommodated by the voting

1 equipment currently in use by the county, he or she shall so notify the State Board
2 of Elections not later than the last Tuesday in February preceding the primary or the
3 last Tuesday in August preceding the regular election. The State Board of Elections
4 shall meet within five (5) days of the notice, review the ballot conditions, and
5 determine whether supplemental paper ballots are necessary for the election. Upon
6 approval of the State Board of Elections, supplemental paper ballots may be used
7 for nonpartisan candidates or slates of candidates for an office or offices and public
8 questions submitted for a yes or no vote. All candidates or slates of candidates for
9 any particular office shall be placed either on the ballot or on the supplemental
10 paper ballot. Supplemental paper ballots may also be used to conduct the voting, in
11 the instance of a small precinct as provided in KRS 117.066.

12 (6) The ballot position of a candidate or slate of candidates shall not be changed after
13 the ballot position has been designated by the county clerk.

14 ➔Section 20. KRS 118.365 is amended to read as follows:

15 (1) Certificates of nomination issued by the State Board of Elections shall be filed by
16 that board with the Secretary of State immediately. The certificates issued by the
17 county board of elections shall be filed by that board with the county clerk
18 immediately.

19 (2) Petitions of nomination for candidates for city offices except as provided in KRS
20 83A.047, for candidates for members of boards of education, and for candidates for
21 supervisors of soil and water conservation districts shall be filed with the county
22 clerk not earlier than the first Wednesday after the first Monday in November of the
23 year preceding the year in which the office will appear on the ballot and not later
24 than the first Tuesday after the first Monday in June preceding the day fixed by law
25 for the holding of regular elections for the offices sought.

26 (3) Candidates for an office, the nomination to which is to be made by a convention
27 pursuant to KRS 118.325(1) and (2), except for the office of electors of President

1 and Vice President of the United States, shall file the statements required by KRS
2 118.325(3), with the official designated in KRS 118.165 with whom notification
3 and declaration are filed for the office, not earlier than the first Wednesday after the
4 first Monday in November of the year preceding the year in which the office will
5 appear on the ballot and not later than the first Tuesday after the first Monday in
6 June preceding the regular election for the office sought.

7 (4) Certificates of nomination made by the governing authority of a political party
8 within the meaning of KRS 118.015 or a political organization not constituting a
9 political party within the meaning of KRS 118.015 but whose candidate received
10 two percent (2%) of the vote of the state at the last preceding election for
11 presidential electors to fill vacancies in office, as provided in KRS 118.115 and
12 118.325, shall be filed as required with the Secretary of State or county clerk~~not~~
13 ~~earlier than the first Wednesday after the first Monday in November of the year~~
14 ~~preceding the year in which the offices will appear on the ballot and not later than~~
15 ~~the first Tuesday after the first Monday in June preceding the day fixed by law for~~
16 ~~the election of the person in nomination}.~~

17 (5) Except as otherwise provided in this section, petitions of nomination shall be filed
18 as required with the Secretary of State or county clerk not earlier than the first
19 Wednesday after the first Monday in November of the year preceding the year in
20 which the offices will appear on the ballot and not later than the first Tuesday after
21 the first Monday in June preceding the day fixed by law for the holding of regular
22 elections for the offices sought.~~Certificates of nomination shall be filed with the~~
23 ~~Secretary of State or county clerk, as required by law, not earlier than the first~~
24 ~~Wednesday after the first Monday in November of the year preceding the year in~~
25 ~~which the offices will appear on the ballot and not later than the first Tuesday after~~
26 ~~the first Monday in June preceding the day fixed by law for the holding of regular~~
27 ~~elections for the offices sought.} The filing of petitions of nomination for~~

1 independent, or political organization, or political group candidates shall not be
2 accepted by the Secretary of State or the county clerk if the candidate has not filed a
3 statement-of-candidacy form as required by KRS 118.367.

4 (6) Petitions and certificates of nomination for electors of President and Vice President
5 of the United States shall be filed with the Secretary of State not earlier than the
6 first Wednesday after the first Monday in November of the year preceding the year
7 in which there is an election for President and Vice President of the United States
8 and not later than the Friday following the first Tuesday in September preceding the
9 date fixed by law for the election of the electors.

10 (7) Petitions for recall elections or elections on public questions shall be filed as
11 required with the county clerk not later than the second Tuesday in August
12 preceding the day fixed by law for holding a regular election.

13 (8) Petitions of any kind named in this section, statements, and certificates of
14 nomination shall be filed no later than 4 p.m. local time at the place of filing when
15 filed on the last date on which papers are permitted to be filed.

16 ➔Section 21. KRS 119.115 is amended to read as follows:

17 (1) Any unauthorized person found in possession of any key to a voting machine,
18 voting equipment, or voting system to be used or being used in any primary, regular
19 election, or special election shall be guilty of a Class A misdemeanor.

20 (2) Any person who, during or before any primary, regular election, or special election,
21 willfully tampers with or attempts to tamper with, disarrange, deface, or impair in
22 any manner whatsoever, injures, or destroys any ballot, or destroys any voting
23 machine, voting equipment, or voting system while in use at an election or at any
24 other time, or who shall, after such voting machine, voting equipment, or voting
25 system is locked and sealed in order to preserve the record of the vote, tamper with
26 or attempt to tamper with the record of the vote, or who aids or abets with intent to
27 destroy or change the record of the vote shall be guilty of a Class D felony.

- 1 (3) Any election official, or other person entrusted with the custody or control of any
2 voting machine, voting equipment, or voting system **shall be guilty of a Class D**
3 **felony if he or she knowingly and intentionally:**~~[who, With intent to cause or~~
4 ~~permit]~~
- 5 **(a) Causes or permits** any voting machine, voting equipment, or voting system to
6 fail to correctly register or count votes cast, tampers with or disarranges such
7 voting machine, voting equipment, or voting system in any way;
- 8 **(b)** ~~[,]~~Unlawfully opens **a**~~[such]~~ voting machine, voting equipment, or voting
9 system;
- 10 **(c)** ~~[,]~~Prevents or attempts to prevent the correct operation of **a**~~[such]~~ voting
11 machine, voting equipment, or voting system;
- 12 **(d)**~~[, or]~~Causes **a**~~[such]~~ voting machine, voting equipment, or voting system to be
13 used or consents to its being used for any election with knowledge of the fact
14 that the voting machine, voting equipment, or voting system is not in order, or
15 not perfectly set and adjusted to correctly register all votes cast;~~[, or]~~
- 16 **(e)** Removes, changes, or mutilates any ballot;**or**
- 17 **(f) Directly connects or attempts to directly connect a voting machine, voting**
18 **equipment, or voting system that tabulates or aggregates votes to a public**
19 **network, including the Internet, at any time**~~[shall be guilty of a Class D~~
20 ~~felony].~~

21 ➔Section 22. KRS 117.001 is amended to read as follows:

22 As used in this chapter, unless the context otherwise requires:

- 23 (1) "Audit log" means a detailed record of all actions and events that have occurred on
24 the voting system, including:
- 25 (a) Log-in attempts with username and time stamp;
- 26 (b) Election definition and setup;
- 27 (c) Ballot preparation and results processing;

- 1 (d) Diagnostics of any type; and
- 2 (e) Error and warning messages and operator response;
- 3 (2) "Automatic tabulating equipment" means apparatus necessary to automatically
- 4 examine and count votes as designated on ballots and data processing machines
- 5 which can be used for counting ballots and tabulating results;
- 6 (3) "Ballot" or "official ballot" means the official presentation of offices and candidates
- 7 to be voted for, including write-in candidates, and all public questions submitted for
- 8 determination, and shall include a voting machine ballot, a paper ballot, an absentee
- 9 ballot, a federal provisional ballot, a federal provisional absentee ballot, or a
- 10 supplemental paper ballot which has been authorized for the use of voters in any
- 11 primary, regular election, or special election by the Secretary of State or the county
- 12 clerk;
- 13 (4) "Ballot box" means any box, bag, or other container that can be locked, sealed, or
- 14 otherwise rendered tamper-resistant, for receiving ballots;
- 15 (5) "Ballot marking device" means any approved device for marking a ballot which will
- 16 enable the ballot to be tabulated manually or by means of automatic tabulating
- 17 equipment;
- 18 (6) "Election" or "elections" means any primary, regular election, or special election;
- 19 (7) **"Election officer" has the same meaning as in Section 23 of this Act;**
- 20 **(8)** "Federal provisional voter" means a person:
- 21 (a) Who does not appear to be registered to vote;
- 22 (b) Whose name does not appear on the precinct roster;
- 23 (c) Who has not provided proof of identification to the precinct election officer
- 24 before voting in a federal election; and
- 25 (d) Who elects to proceed with voting a federal provisional ballot under KRS
- 26 117.229;
- 27 **(9)**~~**(8)**~~ "Federal provisional ballot" or "federal provisional absentee ballot" means

1 ballots which have been authorized by the Secretary of State or the county clerk to
2 be used by federal provisional voters in any federal primary or election;

3 ~~(10)~~~~(9)~~ "Inner envelope" or "secrecy envelope" means the envelope provided to the
4 voter with a ballot into which the voter shall place his or her voted ballot;

5 ~~(11)~~~~(10)~~ "Political group" has the same meaning as in KRS 118.015;

6 ~~(12)~~~~(11)~~ "Political organization" has the same meaning as in KRS 118.015;

7 ~~(13)~~~~(12)~~ "Precinct ballot counter" means an automatic tabulating device used at the
8 precinct to tabulate and process ballots;

9 ~~(14)~~~~(13)~~ "Proof of identification" means a document that was issued by:

10 (a) The United States or the Commonwealth of Kentucky, and the document
11 contains:

- 12 1. The name of the individual to whom the document was issued; and
13 2. A photograph of the individual to whom the document was issued;

14 (b) The United States Department of Defense, a branch of the uniformed services,
15 the Merchant Marine, or the Kentucky National Guard, and the document
16 contains:

- 17 1. The name of the individual to whom the document was issued; and
18 2. A photograph of the individual to whom the document was issued;

19 (c) A public or private college, university, or postgraduate technical or
20 professional school located within the United States, and the document
21 contains:

- 22 1. The name of the individual to whom the document was issued; and
23 2. A photograph of the individual to whom the document was issued; or

24 (d) Any city government, county government, urban-county government, charter
25 county government, consolidated local government, or unified local
26 government, which is located within this state, and the document contains:

- 27 1. The name of the individual to whom the document was issued; and

1 2. A photograph of the individual to whom the document was issued;

2 (15)~~((14))~~ "Risk-limiting audit" means an audit protocol that makes use of statistical
3 principles and methods and is designed to limit to acceptable levels the risk of
4 certifying a preliminary election outcome that constitutes an incorrect outcome;

5 (16)~~((15))~~ "Voting booth" or "ballot completion area" means an area in which a voter
6 casts his or her vote or completes his or her ballot which is designed to ensure the
7 secrecy of the vote;

8 (17)~~((16))~~ "Vote center" means a consolidated precinct of the county;

9 (18)~~((17))~~ "Voting equipment" means any physical component of a voting system and
10 includes voting machines where voting machines are in operation;

11 (19)~~((18))~~ "Voting machine" or "machine" means a part of a voting system that consists
12 of:

13 (a) A direct recording electronic voting machine that:

14 1. Records votes by means of a ballot display provided with mechanical or
15 electro-operated components that may be actuated by the voter;

16 2. Processes the data by means of a computer program;

17 3. Records voting data and ballot images in internal and external memory
18 components; and

19 4. Produces a tabulation of the voting data stored in a removable memory
20 component and on a printed copy; or

21 (b) One (1) or more electronic devices that operate independently or as a
22 combination of a ballot marking device and an electronic or automatic vote
23 tabulation device;

24 (20)~~((19))~~ "Voting system" means:

25 (a) The total combination of physical, mechanical, electromechanical, or
26 electronic equipment, including the software, hardware, firmware, and
27 documentation required to program, control, and support that equipment, that

1 is used to:

- 2 1. Define ballots;
- 3 2. Cast and count votes;
- 4 3. Report or display election results; and
- 5 4. Maintain and produce any audit trail information; and

6 (b) The practices and associated documentation used to:

- 7 1. Identify system components and versions of those components;
- 8 2. Test the system during its development and maintenance;
- 9 3. Maintain records of system errors and defects;
- 10 4. Determine specific system changes to be made to a system after the
- 11 initial qualification of the system; and
- 12 5. Make available any materials to the voter, such as notices, instructions,
- 13 forms, or paper ballots; and

14 ~~(21)~~~~(20)~~ "Voter-verified paper audit trail" means a contemporaneous paper record of a
15 ballot printed for the voter to confirm his or her votes before the voter casts his or
16 her ballot that:

- 17 (a) Allows the voter to verify the voter's ballot choices before the casting of the
- 18 voter's ballot;
- 19 (b) Is not retained by the voter;
- 20 (c) Does not contain individual voter information;
- 21 (d) Is produced on paper that is sturdy, clean, and resistant to degradation; and
- 22 (e) Is readable in a manner that makes the voter's ballot choices obvious to the
- 23 voter or any person without the use of computer or electronic code.

24 ➔Section 23. KRS 118.015 is amended to read as follows:

25 As used in this chapter, unless the context otherwise requires:

- 26 (1) A "political party" is an affiliation or organization of electors representing a
- 27 political policy and having a constituted authority for its government and regulation,

1 and whose candidate received at least twenty percent (20%) of the total vote cast at
2 the last preceding election at which presidential electors were voted for;

3 (2) The word "election" used in reference to a state, district, county, or city election,
4 includes the decisions of questions submitted to the qualified voters as well as the
5 choice of officers by them;

6 (3) A "ballot" or "official ballot" means the official presentation of offices and
7 candidates to be voted for, including write-in candidates, and all public questions
8 submitted for determination, and shall include a voting machine ballot, a paper
9 ballot, an absentee ballot, a federal provisional ballot, a federal provisional absentee
10 ballot, or a supplemental paper ballot which has been authorized for the use of the
11 voters in any primary, regular election, or special election by the Secretary of State
12 or the county clerk;

13 (4) "Ballot box" means any box, bag, or other container that can be locked, sealed, or
14 otherwise rendered tamper-resistant, for receiving ballots;

15 (5) "Election officer" means any person tasked with election administration within
16 this state, as context dictates the defined role, including, but not limited to, the
17 Secretary of State and his or her employees, members of the State Board of
18 Elections and staff, members of the county boards of election and staff, precinct
19 election officers, election officials, and poll workers;

20 (6) "Voting equipment" means any physical component of a voting system and includes
21 voting machines where voting machines are in operation;

22 (Z) [(6)] "Voting machine" or "machine" means a part of a voting system that consists
23 of:

24 (a) A direct recording electronic voting machine that:

25 1. Records votes by means of a ballot display provided with mechanical or
26 electro-operated components that may be actuated by the voter;

27 2. Processes the data by means of a computer program;

- 1 3. Records voting data and ballot images in internal and external memory
2 components; and
- 3 4. Produces a tabulation of the voting data stored in a removable memory
4 component and on a printed copy; or
- 5 (b) One (1) or more electronic devices that operate independently or as a
6 combination of a ballot marking device and an electronic or automatic vote
7 tabulating device;
- 8 (8)~~[(7)]~~ "Voting system" means:
- 9 (a) The total combination of physical, mechanical, electromechanical, or
10 electronic equipment, including the software, hardware, firmware, and
11 documentation required to program, control, and support that equipment, that
12 is used to:
- 13 1. Define ballots;
- 14 2. Cast and count votes;
- 15 3. Report or display election results; and
- 16 4. Maintain and produce any audit trail information; and
- 17 (b) The practices and associated documentation used to:
- 18 1. Identify system components and versions of those components;
- 19 2. Test the system during its development and maintenance;
- 20 3. Maintain records of system errors and defects;
- 21 4. Determine specific system changes to be made to a system after the
22 initial qualification of the system; and
- 23 5. Make available any materials to the voter, such as notices, instructions,
24 forms, or paper ballots;
- 25 (9)~~[(8)]~~ The word "resident" used in reference to a candidate in a state, district, county,
26 or city election shall mean actual resident, without regard to the residence of the
27 spouse of the candidate;

1 ~~(10)~~~~(9)~~ "Political organization" means a political group not constituting a political
2 party within the meaning of subsection (1) of this section but whose candidate
3 received two percent (2%) or more of the vote of the state at the last preceding
4 election for presidential electors; and

5 ~~(11)~~~~(10)~~ "Political group" means a political group not constituting a political party or a
6 political organization within the meaning of subsections (1) and ~~(10)~~~~(9)~~ of this
7 section.

8 ➔Section 24. KRS 119.005 is amended to read as follows:

9 As used in this chapter:

10 (1) A "ballot" or "official ballot" means the official presentation of offices and
11 candidates to be voted for, including write-in candidates, and all public questions
12 submitted for determination, and shall include a voting machine ballot, a paper
13 ballot, an absentee ballot, a special ballot, a federal provisional ballot, a federal
14 provisional absentee ballot, or a supplemental paper ballot which has been
15 authorized for the use of the voters in any primary or regular or special election by
16 the Secretary of State or the county clerk;

17 (2) "Ballot box" means any box, bag, or other container that can be locked, sealed, or
18 otherwise rendered tamper-resistant, for receiving ballots;

19 (3) **"Election officer" has the same meaning as in Section 23 of this Act;**

20 ~~(4)~~ "Voting equipment" means any physical component of a voting system and includes
21 voting machines where voting machines are in operation;

22 ~~(5)~~~~(4)~~ "Voting machine" or "machine" means a part of a voting system that consists
23 of:

24 (a) A direct recording electronic voting machine that:

- 25 1. Records votes by means of a ballot display provided with mechanical or
26 electro-operated components that may be actuated by the voter;
27 2. Processes the data by means of a computer program;

- 1 3. Records voting data and ballot images in internal and external memory
- 2 components; and
- 3 4. Produces a tabulation of the voting data stored in a removable memory
- 4 component and on a printed copy; or
- 5 (b) One (1) or more electronic devices that operate independently or as a
- 6 combination of a ballot-marking device and an electronic or automatic vote-
- 7 tabulating device; and
- 8 (6)~~[(5)]~~ "Voting system" means:
- 9 (a) The total combination of physical, mechanical, electromechanical, or
- 10 electronic equipment, including the software, hardware, firmware, and
- 11 documentation required to program, control, and support that equipment, that
- 12 is used to:
- 13 1. Define ballots;
- 14 2. Cast and count votes;
- 15 3. Report or display election results; and
- 16 4. Maintain and produce any audit trail information; and
- 17 (b) The practices and associated documentation used to:
- 18 1. Identify system components and versions of those components;
- 19 2. Test the system during its development and maintenance;
- 20 3. Maintain records of system errors and defects;
- 21 4. Determine specific system changes to be made to a system after the
- 22 initial qualification of the system; and
- 23 5. Make available any materials to the voter, such as notices, instructions,
- 24 forms, or paper ballots.

25 ➔Section 25. Whereas, it is critically important to protect the integrity and
26 reliability of the electoral process in order to safeguard the fundamental right to vote, and
27 it is a reasonable legislative task to seek improvement and modernization of election

- 1 procedures without undue delay in notice to the people of the Commonwealth and its
- 2 election officials tasked with administering the election laws within this state, an
- 3 emergency is declared to exist, and this Act takes effect upon its passage and approval by
- 4 the Governor or upon its otherwise becoming a law.